

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE NOLASCO,

No. C 04-01095 SI

Plaintiff,

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

v.

AMERICAN AIRLINES,

Defendant.

On June 18, 2004, this Court heard argument on defendant's motion to dismiss plaintiff's claim for wrongful termination. To proceed in Court under a statutory claim for discrimination, plaintiff must produce a notice of right to sue from the California Department of Fair Employment and Housing (DFEH). Plaintiff represented that no right to sue letter has been received. Further, it appears that no complaint has yet been processed by the DFEH. Plaintiff stated the intention to undertake further proceedings with the DFEH in an effort to have a claim filed *nunc pro tunc* and to obtain a right to sue letter. The Court hereby GRANTS defendant's motion to dismiss without prejudice to refile later. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: June 21, 2004

s/Susan Illston
SUSAN ILLSTON
United States District Judge